



B

FOLEY & LARDNER LLP
ATTORNEYS AT LAW
THREE PALO ALTO SQUARE
3000 EL CAMINO REAL, SUITE 100
PALO ALTO, CALIFORNIA 94306
TELEPHONE: 650.856.3700
FACSIMILE: 650.856.3710
WWW.FOLEY.COM

FACSIMILE TRANSMISSION

Total # of Pages 26 (including this page)

TO:	FAX #:
Commissioner for Patents U.S. Patent and Trademark Office (Mail Stop Issue Fee)	703-746-4000

From : Carol A. Stratford, Ph.D.
Date : March 2, 2004
Examiner : P. Spivack
Group Art Unit: 1614

MESSAGE:

Applicant: Guy M. MILLER, et al. Filing Date: December 14, 2001

Serial No.: 10/020,450 Docket No. 104732000600

Title: METHODS FOR THE TREATMENT OF NEURONAL DAMAGE ASSOCIATED WITH CEREBRAL ISCHEMIA

Enclosed for filing:

Transmittal (1 page)

Communication (2 pages)

U.S. Application Publication No. 2004/0029954 (22 pages)

Filed via facsimile on 3/2/04

CAS/lks

If there are any problems with this transmission or if you have not received all of the pages, please call (650) 856-3700.

CONFIDENTIALITY NOTICE: THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION, AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR ANY AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.



Please type a plus sign inside this box

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO/SB/21 (08-02)

Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

TRANSMITTAL FORM

(To be used for all correspondence after initial filing)

		Application Number	10/020,450
		Filing Date	December 14, 2001
		First Named Inventor	Guy M. MILLER, et al.
		Group Art Unit	1614
		Examiner Name	P. Spivack
Total Number of Pages In This Submission	25	Attorney Docket Number	104732000600

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below)
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	1. Communication (2 pages) 2. U.S. Application Publication No. 2004/0029954 (22 pages) 3. Facsimile Page
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		Remarks
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 – 1 page		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name	Foley & Lardner LLP	38706
	Carol A. Stratford, Ph.D.	(Reg. No. 34,444)
Signature		
Date	March 2, 2004	

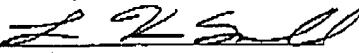
I hereby certify that this correspondence is being transmitted by facsimile to the Commissioner for Patents at 703-746-4000 on the date shown below:

Dated: March 2, 2004

Signature:

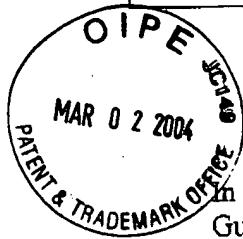
(Lisa K. Small)

I hereby certify that this correspondence is being transmitted by facsimile to the Commissioner for Patents at 703-746-4000 on the date shown below:

Dated: March 2, 2004 Signature: 

Attorney's Docket No. 104732000600

Patent



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of
Guy M. MILLER, et al.

Application No.: 10/020,450

Filed: December 14, 2001

For: METHODS FOR THE TREATMENT OF
NEURONAL DAMAGE ASSOCIATED WITH
CEREBRAL ISCHEMIA

Group Art Unit: 1614

Examiner: P. Spivack

COMMUNICATION AFTER PAYMENT OF ISSUE FEE

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Following payment of the Issue Fee in the above-captioned patent application, applicants became aware of the publication on February 14, 2004 of U.S. Patent Application Publication No. 2004/0029954 A1. Applicants note that this application is a continuation of U.S. Patent 6,048,891, which was previously cited by the Examiner in the instant application, and over which the allowed claims were specifically deemed allowable.

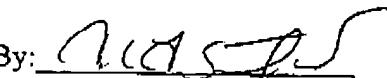
Applicants believe that the disclosure of U.S. Patent Application Publication No. 2004/0029954 A1 is identical to that of U.S. Patent 6,048,891, with the exception of the newly added claims. Accordingly, applicants do not believe this publication should affect issuance of the allowed claims in their patent application; however, applicants are bringing this publication to the attention of the Patent Office, so it can determine whether it deems it appropriate to withdraw the application from issuance.

Attorney's Docket No. 104732000600
Serial No.: 10/020,450

A copy of U.S. Patent Application Publication No. 2004/0029954 A1 accompanies this Communication.

Respectfully submitted,

FOLEY & LARDNER LLP

By: 
Carol A. Stratford
Registration No. 34,444

Building 3, Palo Alto Square
3000 El Camino Real, Suite 100
Palo Alto, CA 94306
(650) 856-3700

Date: March 2, 2003